

REMARKS

In follow-up to the telephone discussion undersigned had with the Examiner, the PTO is hereby notified of the passing of co-inventor Charles L. Clay. While undersigned is cognizant of MPEP 409.01, undersigned has been contacted by the official representatives of Mr. Clay's estate who have expressed a desire for undersigned to continue to prosecute this application and additionally, the power of attorney granted to undersigned by co-inventor Daniel Kyler remains in effect. Accordingly, should the PTO require further filings, please contact undersigned so that same may be procured without delay..

In regard to the Examiner's rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Hamilton, the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Gamm, the rejection of claim 2 under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Shaffer et al., the rejection of claim 3 under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Shaffer et al., in further view of Harper, the rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Harper, the rejection of claim 4 under 35 U.S.C. 103(a) as being unpatentable over Gamm in view Harper, the rejection of claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Hamilton in view of Harper, and the rejection of claims 5 and 6 under 35 U.S.C. 103(a) as being unpatentable over Gamm in view of Harper, Applicants submit that their invention, as now claimed, is new and non-obvious in light of the prior art.

With respect to the rejection of claim 1 under 35 U.S.C. 102(e) as being anticipated by Hamilton, and the rejection of claim 1 under 35 U.S.C. 102(b) as being anticipated by Gamm, claim 1 has been amended with the limitations of original claim 4, among other ways, rendering these basis of rejection moot.

With respect to the various rejections under 35 U.S.C. 103(a) and with particular focus on claims 4 and 5 and the Harper patent, the Harper patent teaches a visually appealing versatile rollable and foldable chair that has a rotatable female socket 77 projecting upwardly from a horizontal bar 37 and a cane clip 78 connected to the left I-shaped rod 41a which is essentially

just below the left handle bar 50. This cane holder 70 differs from that of Applicant in many important respects. First, the position of the cane holder is rearward of the overall device and does not run parallel with any of the rearward vertical members of the device. In such a position, the cane held by the holder can interfere with the user who is using the device in walking position. The upper part of the cane can interfere with the user's left hand should the user attempt to grab something that is forward of his or her left hand. Additionally, the shaft of the cane will be in the path of the user's left leg during walking, especially if the user is relatively close to the device when being used in the walking position. It appears that the location of the cane holder 70 in the Harper invention is out of necessity as placement of the cane holder 70 forwardly of the device would result in interfering with the user while in a seated position on the device. Accordingly, there is no teaching or suggestion for placement of the cane holder other than in the position shown. Both the Hamilton device and the Gamm device are completely silent as to a cane holder. On the other hand, Applicants' cane holder is as far forwardly of the device as possible and is positioned so that the cane being held is parallel to the front leg to which the cane holder is attached. In such a position, the cane held by the device is neither in the way of the user's hands as the user attempts to reach for an object in any direction and the cane does not interfere with the user's legs as the user is walking with the walker with the cane holder in place. Accordingly, neither the Hamilton patent in view of the Harper patent, nor the Gamm patent in view of the Harper patent, teach nor suggest the placement of a cane holder on a front leg of a walker.

Additionally, as best seen in figures of the Harper patent, the cane holder appears to be fixed to the remainder of the device and the specification is silent as to this aspect. Both the Hamilton device and the Gamm device are completely silent as to a cane holder. On the other hand, Applicants upper bracket and lower bracket are each removably attached to the front leg and are specifically attached by a ring clamp. Removable attachment allows the upper and lower brackets to be switched between left front leg and right front leg depending on the location whereat the user desires to have his or her cane held when using the walker. The use of a ring

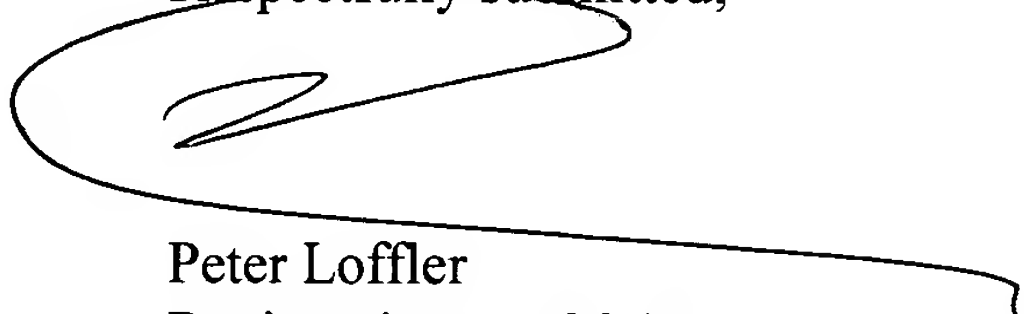
clamp facilitates rapid removal and attachment of the two brackets and allows appropriate sizing and tightening on each front leg. Accordingly, neither the Hamilton patent in view of the Harper patent, nor the Gamm patent in view of the Harper patent, as each is silent on both removability of the cane holder and the use of a ring clamp to attach the cane holder to the device, teach nor suggest the placement of a cane holder on a front leg of a walker.

As the remaining cited prior art is only of an incidental nature, it will not be discussed in detail.

Accordingly, Applicants' invention is new and novel with respect to the prior art.

In view of the foregoing remarks and amendments, it is respectfully submitted that this application is now in condition for allowance, therefore an early notice to this effect is courteously solicited.

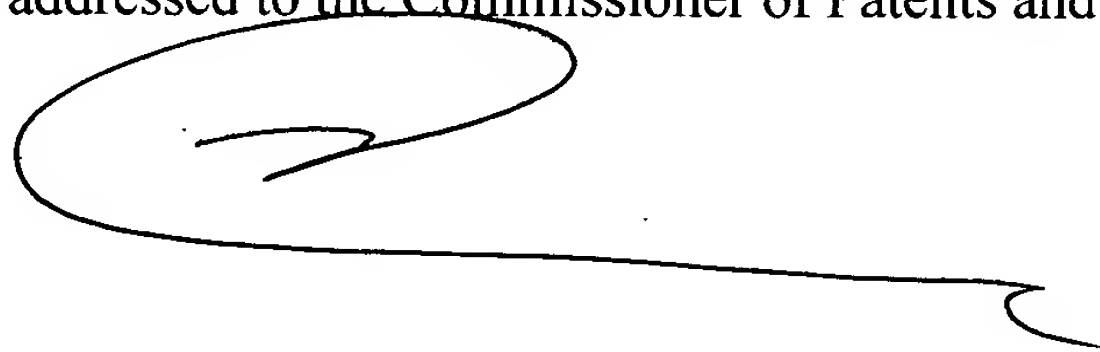
Respectfully submitted,



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CERTIFICATE OF MAILING

I HEREBY CERTIFY that the foregoing was deposited with the United States Postal Service, First Class Postage prepaid, addressed to the Commissioner of Patents and Trademarks, this 14th day of April, 2005.



Peter Loffler